

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
TIMOTHY ANDREW MCCAFFREY,	:	
	:	
Plaintiff,	:	
	:	14-CV-493 (VSB)
-against-	:	
	:	<u>OPINION & ORDER</u>
GATEKEEPER USA, INC. et al.,	:	
	:	
Defendant.	:	
-----X	:	

Appearances:

Timothy Andrew McCaffrey
New York, New York
Pro se Plaintiff

A. John Leontakianakos
Dix Hills, New York
Pro se Defendant

John Seetoo
Brooklyn, New York
Pro se Defendant

VERNON S. BRODERICK, United States District Judge:

I am in receipt of Plaintiff's letter filed on September 24, 2023 (Doc. 389, the "Letter") in which Plaintiff requesting that I amend the judgment entered on September 19, 2023 (Doc. 388, the Judgment") to provide for attorneys' fees and pre-judgment interest. For the reasons that follow, Plaintiff's requests to amend the Judgment are GRANTED in part and DENIED in part.

Plaintiff's request to amend the Judgment to provide for attorneys' fees is GRANTED. Pursuant to the parties' August 25, 2022 Terms of Settlement, the parties agreed that Plaintiff is entitled to his "reasonable fees and costs of enforcing judgment against Defendants." (Doc. 389-

1 ¶ 3.) Accordingly, the Judgment will be revised to reflect this term of the agreement.


Plaintiff's request to amend the Judgment to provide for pre-judgment interest is DENIED. "Settlement agreements and releases are construed according to the general principles of contract law." *Simmon v. City of New York*, No. 23CVL489 (DLC), 2023 WL 6533494, at *2 (S.D.N.Y. Oct. 6, 2023). The parties' August 25, 2022 Terms of Settlement does not include an agreement for pre-judgment interest. (*See* Doc. 389-1.) Nor was such a term discussed during the parties' settlement conference with Magistrate Judge Robert W. Lehrburger. (*See* Doc. 367.) Therefore, the judgment does not include a term providing for prejudgment interest. The judgment provides for post-judgment interest because it is statutorily mandated by 28 U.S.C. § 1961.

In his letter, Plaintiff also raises the issue of sealing this case. Any motion for sealing must be made in accordance with Rule 5B of my Individual Rules & Practices in Civil Cases.

The Clerk of the Court is respectfully directed to amend the judgment entered at Doc. 388 to add the term that Plaintiff is entitled to his reasonable fees and costs of enforcing the judgment against Defendants, including attorneys' fees.

SO ORDERED.

Dated: October 24, 2023
New York, New York


Vernon S. Broderick
United States District Judge